

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH CHIDI ANORUO,

Plaintiff,

vs.

ERIK K. SHINSEKI,

Defendant.

Case No. 2:12-cv-01190-JCM-GWF

ORDER

Motion to Reconsider (#31)

This matter comes before the Court on Plaintiff Joseph Anoruo's ("Plaintiff") Motion to Reconsider (#31), filed on December 19, 2012. Defendant filed an Opposition (#32) on January 2, 2013. The time to file any reply expired on January 12, 2013. The Court entered an Order (#16) denying Plaintiff's Motion to Stay Discovery (#6) on October 25, 2012. The Court entered an Order (#19) granting Defendant's Motion (#15) to strike Plaintiff's Sur-Reply (#13) to Defendant's Motion to Dismiss (#4) on October 29, 2012. Plaintiff now moves for reconsideration of these Orders.

Courts "possess the inherent procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to be sufficient" so long as it has jurisdiction. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001). Reconsideration is appropriate if the court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *United States Aviation Underwriters v. Wesair, LLC*, 2010 WL 1462707, *2 (D. Nev. 2010) (citing *School Dist. No. 1J, Multnomah County, Or. v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)). "A motion for reconsideration is not an avenue to re-litigate the

1 same issues and arguments upon which the court already has ruled.” *In re AgriBioTech, Inc.*, 319
2 B.R. 207, 209 (D. Nev. 2004). Here, Plaintiff has not offered any new evidence, convinced the
3 Court its previous rulings were in clear error, or offered any intervening change in law that would
4 cause the Court to revisit its previous rulings. Rather, Plaintiff requests the court to reconsider on
5 the grounds of fundamental fairness and attempts to reargue the issues the Court has already ruled
6 upon. The Court therefore finds no basis to reconsider its previous Orders (#16, #19).

7 Accordingly,

8 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Re-Examination (#31) is **denied**.

9 DATED this 29th day of January, 2013.

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12 GEORGE FOLEY, JR.
13 United States Magistrate Judge
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